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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Meschia Maurilio

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01/26/2005

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EXAMINER

AMINZAY, SHAIMA Q

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/924,491

**Applicant(s)**

MAURILIO, MESCHIA

**Examiner**

Shaima Q. Aminzay

**Art Unit**

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on September 28, 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## ***DETAILED ACTION***

### ***Response to Amendment***

The following office action is in response to Amendment, filed September 28, 2004.

Claims 1, 5, 6, 7, 11 are original, and claims 4, 8-10, and 12-15 are previously amended. Claims 1-15 are pending.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action

(a ) Patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made

1. Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison U. S. Publication Number 20030176200, in view of Welty U. S. Patent Number 5109222.

Regarding claims 1, Harrison teaches a network connection system (Figure 1) and a plurality of devices destined (Figure 1, elements 3-8) to be connected to a network to share common resources and exchange data (see for example, [0053], lines 1-8), characterized in that said network is a wireless network (see

for example, [0025], lines 1-3), and a device for connection to said wireless network (see for example, Figure 1, element 7), through radio communication in frequency bands available for radio communications (see for example, [0003], lines 1-10; [0004], lines 1-4, [0005], lines 6-13, [0063], lines 1-2), and connection to the wireless network being able to communicate with a server (see for example, Figure 1, Server 1, and paragraph [0053], lines 1-8), also provided with a device (Figure 1, element 7) for connection to the wireless network (Figure 1) and/or with at least one access point (Figure 1, element 2) connected to a hard-wired network (see for example, paragraph [0053], lines 5-8).

However, Harrison does not teach a plurality of machine tools for a particular injection presses for plastics.

Welty teaches a variety of equipments connected to a remote control network (see for example, Figure 5, column 3, lines 14-23, and lines 30-31, lines 47-48, lines 58-59; "a plurality of machine tools for a particular injection presses for plastics" can be connected to the remote control system as the connections is being made to the heating and cooling systems, home appliances and etc.)

It would have been obvious to one of ordinary skill in the art at the time invention was made to combine Welty's equipments connection to a remote control wireless network (see for example, column 6, lines 5-14) with Harrison's wireless network connection system to provide a system that ensure data is routed through the transceivers without overloading of any one given transceiver (paragraph [0012], lines 1-4), and to provide a wireless system for any type of

equipment that is connected to the system with high communication and quality service (see for example, paragraph [0133], lines 1-6, and paragraph [0134], lines 1-2).

Regarding claims 2, Harrison and Welty teach claim 1, and further, Harrison teaches the wireless network and said at least one access point (2 as in Figure 1) data are exchanged in a frequency band ranging between 2.4 GHz and 2.5 GHz (see for example, paragraph [0005], lines 6-13, and the “unlicensed radio band which can be used freely around the world”; and paragraph [0063], lines 1-2).

Regarding claims 3, Harrison and Welty teach claim 1, and further, Harrison teaches computer (see for example, Figure 1, element 7) in which said device (7) for radio communications is installed (see for example, paragraph [0005], lines 1-4; [0054], lines 1-8; [0055], lines 1-7; and [0063], lines 1-2).

Regarding claims 4, Harrison and Welty teach claim 1, and further, Harrison teaches the wireless network and/or said hard-wired network is/are managed by a server (Figure 1, element 1, and see for example, [0053], lines 1-8).

Regarding claims 5, Harrison and Welty teach claim 4, and further, Harrison teaches server (1, Figure 1) is connected to said hard-wired network through a

hard-wired connection (10) by means of network boards (11, 12, and 13; each contains network board to communicate with server (1) for transmission via cable (see for example, paragraph [0056], lines 1-5).

Regarding claims 6, Harrison and Welty teach claim 4, and further, Harrison teaches server (1, Figure 1) is connected to said hard-wired network through a radio link (see Figure 1, server (1), and hardwired connections to access points (2)) by means of said radio communications device (see for example (7) in Figure 91); paragraph [0063], lines 1-2, and [0076], lines 1-11).

Regarding claims 7, Harrison and Welty teach claim 6, and further, Welty teaches server is a computer of one of the machine tools (see for example, column 3, lines 47-62; the "machine tools" can be implemented as the electrically operable equipments).

Regarding claims 8, Harrison and Welty teach claim 1, and further, Harrison teaches peripheral devices (see for example, Figure 1, element (13)) are connected to said network through a hard-wired connection (10) by means of network boards (for example the interface board in peripheral 13) for transmission via cable (see for example, [0056], lines 1-5).

Regarding claims 9, Harrison and Welty teach claim 1, and further, Harrison

teaches peripheral devices (see for example, Figure 1, element (13)) are connected to said hard-wired network through a radio link, by means of devices for radio transmission (see for example, [0003], lines 1-6; [0004], 1-4; [0063], 1-2).

Regarding claims 10, 11, 12, and 13, Harrison and Welty teach claim 1, and further, Harrison teaches server (Figure 1, 1) has devices for connection to another local network (LAN) or to a WAN external network by a cable or radio link (see for example, [0081], lines 1-7, and [0084], lines 1-3; [0063], lines 1-2), and device (Figure 1, 2) for connection of the server (Figure 1, 1) to another outside network (WAN or LAN (Figure 1, 14) is an analogical or digital modem (see for example, paragraph [0072], lines 1-8, and Figure 3, server interface (30)) or a router (see for example, [0077], lines 5-8).

Regarding claims 14 and 15, Harrison and Welty teach claim 1, and further, Harrison teaches network (Figure 1) is an Ethernet local network (LAN) of the linear type (see for example, [0060], lines 1-4), and star type with a hub distributor device (see for example, [0075], lines 1-4).

### ***Priority***

2. The foreign priority claim filed on September 28, 2004 was not entered because the foreign priority claim was not filed during the time period set forth in 37 CFR 1.55(a)(1). For original applications filed under 35 U.S.C. 111(a) (other than a design application) on or after November 29, 2000, the time period is during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. For applications that have entered national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the claim for priority must be made during the pendency of the application and within the time limit set forth in the PCT and the Regulations under the PCT. See 37 CFR 1.55(a)(1)(ii). If applicant desires priority under 35 U.S.C. 119(a)-(d), (f) or 365(a) based upon a prior foreign application, applicant must file a petition for an unintentionally delayed priority claim (37 CFR 1.55(c)). The petition must be accompanied by (1) the claim (i.e., the claim required by 35 U.S.C. 119(a)-(d) and (f) and 37 CFR 1.55) for priority to the prior foreign application, unless previously submitted; (2) a surcharge under 37 CFR 1.17(t); and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed



to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria,  
Virginia 22313-1450.

### ***Affidavit***

3. The affidavit filed on September 28, 2004 under 37 CFR 1.131 has been considered but is ineffective to overcome the Harrison U. S. Publication Number 20030176200 reference.

The applicant failed to show convincing evidence to establish the reason why there is a discontinuity between the initial patent filing data in United State of America and the Italian patent application dates.

### ***Response to Arguments***

4. Applicant's arguments September 28, 2004 have been fully considered but they are not persuasive.

The applicant (middle of page 7 and page 8) argued that the cited prior art [Welty U. S. Patent Number 5109222] "is significantly different from the network connection system for machine tools wherein the network is a wireless network and at least some of the machine tools comprise a device for connection to the

wireless network through radio communication in frequency bands available for radio communications". Examiner respectfully disagrees. The claims (1-15) limitations have been taught in the above rejection, as discussed above (claim 1) Welty teaches a variety of equipments connected to a remote control network (see for example, Figure 5, column 3, lines 14-23, and lines 30-31, lines 47-48, lines 58-59, "a plurality of machine tools for a particular injection presses for plastics" can be connected to the remote control system as the connections is being made to the heating and cooling systems, home appliances and etc.). The rejection is maintained.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

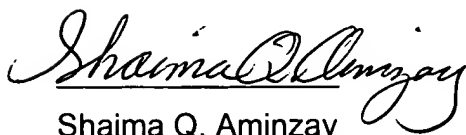
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the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action

### Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 703-305-8723. The examiner can normally be reached on 7:00 AM -5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shaima Q. Aminzay

(Examiner)

**NICK CORSARO  
PRIMARY EXAMINER**\_\_\_\_\_  
Nay Maung

(SPE)

Art Unit 2684

January 24, 2005